

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION/DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)

MAIL STOP PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450Customer No. **2 1 8 3 9**

Sir:

This is a request for filing a [X] continuation [] divisional application under 37 C.F.R. § 1.53(b) of pending Application No. 10/108,303 filed on March 28, 2002, for SUSTAINED DELIVERY OF AN ACTIVE AGENT USING AN IMPLANTABLE SYSTEM, by the following named inventor(s):

- | | | |
|-----|-----------|----------------------------|
| (a) | Full Name | <u>John R. Peery</u> |
| (b) | Full Name | <u>Keith E. Dionne</u> |
| (c) | Full Name | <u>James B. Eckenhoff</u> |
| (d) | Full Name | <u>Felix A. Landrau</u> |
| (e) | Full Name | <u>Scott D. Lautenbach</u> |
| (f) | Full Name | <u>Judy A. Magruder</u> |
| (g) | Full Name | <u>Jeremy C. Wright</u> |

- [] Applicant(s) hereby requests that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.
- [X] The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- [] This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.
- (a) Full Name
- [] This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.
- (a) Full Name

22240 U.S. PTO
10/645293
08/20/03

☒ Applicant(s) suggests Figure 1 for inclusion on the front page of the patent application publication and/or patent.

☐ Applicant(s) requests that the published application include the following assignment information: .

1. ☒ Enclosed is a copy of the prior Application No. 10/108,303 as originally filed on March 28, 2002, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2. ☐ Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
3. ☐ Small entity status is hereby claimed.
4. ☒ The filing fee is calculated below ☒ and in accordance with the enclosed preliminary amendment:

| C L A I M S | | | | | |
|--|------------------|------------|-----------------|--------------------|-----------------|
| | No. Of CLAIMS | | EXTRA CLAIMS | RATE | FEE |
| Basic Application Fee | | | | | \$750.00 (1001) |
| Total Claims | 18 | MINUS 20 = | 18 | × \$18.00 (1202) = | 0 |
| Independent Claims | 4 | MINUS 3 = | 1 | × \$84.00 (1201) = | 84 |
| If multiple dependent claims are presented, add \$280.00 (1203) | | | | | |
| Total Application Fee | | | | | 834 |
| If small entity status is claimed, subtract 50% of Total Application Fee | | | | | |
| Add Assignment Recording Fee of \$_ if Assignment document is enclosed | | | | | |
| TOTAL APPLICATION FEE DUE | | | | | 834 |

5. ☐ This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.
6. ☐ Charge \$ _____ to Deposit Account No. 02-4800 for the fee due.
7. ☒ A check in the amount of \$ 834.00 is enclosed for the fee due.
8. ☒ The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
9. ☒ Cancel in this application original claims 1-50 of the prior application before calculating the filing fee.
10. ☒ New drawings are enclosed.

11. ☐ Priority of Application No. _ filed on _ in _ (country) is claimed under 35 U.S.C. § 119.
- ☐ The certified copy of the priority application
- ☐ is enclosed.
- ☐ was filed on _ in prior Application No. _, filed on _, and acknowledged by the Examiner on _ in Paper No. _.
- ☐ has not yet been filed.
12. ☒ Please amend the specification by inserting before the first line the sentence:
- ☒ --This application is a ☒ continuation ☐ divisional of Application No. 10/108,303, filed on March 28, 2002, which is a continuation of Application No. 09/848,211, filed on May 4, 2001; which is a continuation of Application No. 09/366,746, filed on August 4, 1999; which is a continuation of Application No. 08/943,007, filed on October 2, 1997; which is a continuation of Application No. 08/791,699, filed on January 30, 1997...--.
13. ☒ A preliminary amendment is enclosed.
14. ☒ An Information Disclosure Statement is enclosed.
15. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.
16. ☐ Also enclosed _.
17. ☒ The power of attorney in the prior application is to Mary Ann Dillahunt.
- a. ☒ The power appears in the original papers in the prior application.
- b. ☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☐ Recognize as Associate Attorney _.
- d. ☒ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)
- BURNS, DOANE, SWECKER & MATHIS, L.L.P.
Customer Number: **2 1 8 3 9**
P.O. Box 1404
Alexandria, Virginia 22131-1404

Date: August 20, 2003

By: 

Cindy A. Lynch
Registration No. 38,699

ADDRESS OF SIGNATOR:

BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
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- ☐ inventor(s)
☐ assignee of complete interest
☒ attorney or agent of record
☐ filed under 37 C.F.R. § 1.34(a)